

REMARKS

Prior to entry of this paper, Claims 1-3 and 28-51 were pending. Claims 1-3 and 28-51 were rejected. In this paper, Claims 1, 37, 44, and 50 are amended. Claims 1-3 and 28-51 remain currently pending. No new matter is added by way of this amendment. For at least the following reasons, Applicants respectfully submit that each of the presently pending claims is in condition for allowance.

Telephone Interview Request

Applicants submitted a request for a telephone interview on March 1, 2007, in accordance with MPEP §713.09. Applicants' attorney received a voice mail message on March 5, 2007 from the examiner, denying the request for the telephone interview. Along with this amendment and request for continued examination, Applicants submit another telephone interview request, respectfully requesting a telephone interview prior to examination of the amended claims.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3 and 28-51 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Dialpad.com (Dialpad.com screenshots from 8/17/2000 and prior obtained via www.archive.org/ The Wayback Machine) in view of Landsmann (US 6,314,451). Applicants respectfully note that the FOA indicates that "Dialpad.com, under the Advertisers section on pages 1 and 2 (of 4) discloses targeting segments of users for advertising by demographics and/or profile information (see Applicant's Specification page 15-line 24-page 16, line 6 or paragraphs [70, 71], preceding.)." Applicants respectfully note that the FOA cites page numbers of Dialpad.com that Applicants could not identify in the copy of Dialpad.com received. Applicants request clarification of the citation.

Applicants also respectfully note that the FOA cites portions of Applicants' specification to support the citation to Dialpad.com. The FOA appears to focus attention on cited portions of the specification that relate to audio advertisements grouped into sets of audio advertisements that correspond to certain demographic data to target a caller. The FOA does not establish any direct relationships between claim terms, terms from Dialpad.com, or terms of the specification. The FOA simply seems to indicate that the cited portion of the specification is used to interpret claim

language regarding downloadable configuration instructions that create a plurality of audio ad sets, each set defining selection of and broadcast control of at least one audio advertisement. However, the FOA does not appear to refer to the specification to interpret the related claim language each set defining selection and broadcast control of at least one audio advertisement *based at least in part on a status of an audio communication link over a network*. Instead, the FOA relies on a portion of Dialpad.com that discloses audio ad bumpers on the front and back end of calls. Applicants respectfully disagree that such disjointed interpretations/citations can be combined to render Applicants' claims obvious. Dialpad.com does not disclose or suggest demographic data or targeted advertising for the audio ad bumpers. The FOA appears to be using hindsight from the specification rather than the actual claim language.

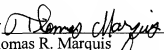
Applicants respectfully maintain the arguments submitted in prior responses, which are hereby incorporated by reference. Nevertheless, without conceding to a narrower scope of the invention, and reserving the right to file a continuation application, Applicants have amended independent Claims 1, 37, 44, and 50 to specify downloading configuration instructions that create a plurality of audio ad sets, the instructions for each set defining selection and broadcast control of a plurality of audio advertisements based at least in part on a status of an audio communication link over a network and a relationship between the audio communication link and another attempted audio communication link. Support for the amendments is found throughout the specification, including page 14, lines 1-22 and page 16 lines 23-24. Dialpad.com and Landsman do not disclose or suggest downloading instructions with such characteristics.

CONCLUSION

It is respectfully submitted that each of the presently pending claims (Claims 1-3 and 28-51) is in condition for allowance and notification to that effect is requested. Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby. Although only certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentable. Applicant reserves the right to raise these arguments in the future.

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Respectfully submitted,

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